

FAIRFAX COUNTY

2ED
OFFICE OF THE CLERK
BOARD OF SUPERVISORS
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Fairfax, Virginia 22035-0072

V I R G I N I A

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April 8, 1997

Carlos M. Montenegro
2071 Chain Bridge Road - Suite 320
Vienna, Virginia 22182

RE: Proffered Condition Amendment
Number PCA A-936
(Concurrent with DPA A-936-3)

Dear Mr. Montenegro:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on March 24, 1997 approving Proffered Condition Amendment PCA A-936, subject to proffers dated February 25, 1997 in the name of Hunters Woods Village Center, L.L.C. on subject parcel 26-1 ((7)) 3A consisting of approximately 15.28 acres in Hunter Mill District.

The Board also:

- Waived the 200-square foot minimum privacy yard requirement for townhomes;
- Modified the interior parking lot landscaping requirement with the Transcontinental Gas pipeline easement to that shown on the DPA Plat; and

PCA A-936
April 8, 1997

2.

- **Modified the transitional screening requirements and waived the barrier requirements along a portion of the southern and western periphery and between the retail portion of the site and townhouse portion of the site as that reflected on the DPA and subject to the development conditions dated March 21, 1997.**

Sincerely,



Nancy Vehrs
Clerk to the Board of Supervisors

NV/ns

cc: John M. Yeatman, Director, Real Estate Div., Dept. of Tax Administrations
Melinda M. Artman, Deputy Zoning Administrator
Barbara A. Byron, Director, Zoning Evaluation Div., OCP
Robert Moore, Trnsprt. Planning Div., Office of Transportation
Paul Eno, Project Planning Section, Office of Transportation
Department of Environmental Management
Y. Ho Chang, Resident Engineer, VDOT
Land Acq. & Planning Div., Park Authority
James D. Gorby, Acting Director, Facilities Mgmt. Div., Office of General Svcs.

RECEIVED
OFFICE OF COMPREHENSIVE PLANNING

APR 10 1997

ZONING EVALUATION DIVISION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia held in the Board Auditorium in the Government Center at Fairfax, Virginia, on the 6th day of March 24, 1997, the following ordinance was adopted:

AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROFFERED CONDITION AMENDMENT PCA A-936
(CONCURRENT WITH DEVELOPMENT PLAN AMENDMENT DPA A-936-3)

WHEREAS, Hunters Woods Village Center, L.L.C. filed in proper form an application requesting amendment to the plan of a certain parcel of land, by amending conditions proffered and accepted pursuant to Virginia Code Ann. § 15.1.491(a), and

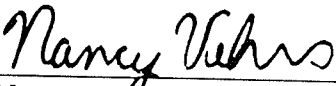
WHEREAS, at a duly called public hearing the Planning Commission considered the application and the propriety of amending the Zoning Ordinance in accordance therewith, and thereafter did submit to this Board its recommendation, and

WHEREAS, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pertinent to the proposed amendment, the Board is of the opinion that the Ordinance should be amended,

NOW, THEREFORE, BE IT ORDAINED, that that certain parcel of land situated in the Hunters Mill District, and more particularly described as follows (see attached legal description)

Be, and hereby is further restricted by the amended conditions proffered and accepted pursuant to Virginia Code Ann., § 15.1491(a), which conditions are incorporated into the Zoning Ordinance as it affects said parcel.

GIVEN under my hand this 24th day of March, 1997.



Nancy Vethers
Clerk to the Board of Supervisors

**STATEMENT OF PROFFERED DEVELOPMENT CONDITIONS
HUNTERS WOODS VILLAGE CENTER, L.L.C.
PCA/DPA A-936-3**

DATED: June 3, 1996
REVISED: December 4, 1996
February 18, 1997
February 21, 1997
February 24, 1997
February 25, 1997

Pursuant to Section 15.1-491(a) of the Code of Virginia, 1950, as amended, and Section 18-203 of the Fairfax County Zoning Ordinance, 1978, as amended, Hunters Woods Village Center, LLC., the applicant in Applications PCA/DPA A-936-3, and the contract purchaser of the parcels under consideration therein, for itself and its heirs, successors and assigns (collectively, the "Applicant") proffer that the development of the parcels under consideration in Applications PCA/DPA A-936-3 (collectively, the "Property") will be in accordance with the following terms and conditions if, and only if, the Fairfax County Board of Supervisors approves Applications PCA/DPA A-936-3 for a proffered condition amendment and development plan amendment to the PRC District for not more than 123,000 square feet of gross floor area for retail and other principal and accessory uses, exclusive of residential uses, (this reflects an overall floor area ratio (FAR) of 0.21 as applied to 15.28 acres). If Applications PCA/DPA A-936-3 are denied or withdrawn, these proffers shall immediately become null, void and of no further force and effect. If accepted, these proffers

supersede and take the place of any other proffers or other development conditions that affect the Property. The Applicant proffers as follows:

I. GENERAL:

1. The Property will be developed in accordance with the Development Plan Amendment ("DPA") prepared by Paciulli Simmons and Associates, Ltd., dated May 31, 1996, and last revised on February 18, 1997, provided, however, that minor modifications from the design depicted on the DPA may be permitted when necessitated by sound engineering practices or final site engineering design provided that such modifications are in substantial conformance with that design. For these purposes, a modification of less than ten (10%) percent from the dimension or location of a feature represented on the DPA shall be deemed to be minor, provided, however, that such modification may not result in any buildings being located closer to any project boundary than that shown on the DPA and such is in substantial conformance with the DPA. Notwithstanding anything to the contrary set forth in this paragraph I.1., the Applicant may modify the final architectural treatment of the structures, including the shape of the building footprints, provided, however, that such modifications substantially conform with the design theme established for the project. Further, nothing herein shall be deemed to prevent the Applicant from seeking and obtaining approval from the Board of Supervisors of revisions to the Development Plan, or of Special Exception or Special Permit uses, provided, however, that such revisions are in substantial conformance with the

Development Plan and the provisions of the Zoning Ordinance. The maximum building height of all buildings depicted in the DPA shall not be exceeded. However, in the event that, at some future time, the Applicant should only seek to increase the building heights of the buildings, such an amendment shall be deemed to require, as may be applicable, Planning Commission and/or Board of Supervisors approval of a Development Plan Amendment only.

2. Except in those locations where improvements which, on the DPA, may be shown to infringe upon landscaped areas, landscaping (including existing and supplemental vegetation) shall be provided along the Glade Drive frontage of the Property to a minimum horizontal depth of thirty five (35) feet from the Glade Drive right of way. In addition, landscaping along the Colts Neck Road frontage of the Property shall be implemented in accordance with the landscape plans shown on Exhibits 1-3, hereto.

3. All construction activities within the Transcontinental Gas Pipeline easement will be coordinated with the easement holder to the satisfaction of the Director of DEM.

4. The child care facility, if provided, shall have a maximum daily enrollment which does not exceed the statutory guidelines for the proposed space and outdoor play areas, but in no event shall such enrollment exceed 92 children.

5. The Applicant will provide landscaping with shrubbery along the walk on the eastern side of the residential component and at the Glade Drive entrance to the residential component of the project in accordance with the representations made in the DPA.

6. The free-standing buildings along Colts Neck Road shall be designed in a manner to generally conform with the shopping center and in accordance with the Notes set forth on the DPA.

7. The hours of operation of the proposed uses shall be restricted as follows:

The free standing drive-thru Fast Food Restaurant along Colts Neck Road shall be limited to 6:00 a.m. to 2:00 a.m., 7 days per week.

All other establishments along Glade Drive, with the exception of the anchor tenant, will have operating hours in accordance with Virginia State ABC licensing regulations.

8. Trash dumpster receptacle areas will be enclosed on three sides by a solid board or masonry screening fence designed in accordance with applicable regulations.

9. The proposed bus stop shall be located in the approximate location shown on the DPA and in accordance with the recommendations of the Fairfax County Office of Transportation. A trash collection and maintenance schedule, for the bus stop, shall be established in accordance with the recommendations of the Fairfax County Office of Transportation. The Applicant shall be responsible for the maintenance of, but assumes no other liability for, the proposed bus shelter.

10. The Applicant reserves the right to modify the residential building footprint(s) provided that such modification does not exceed the proposed building heights or intrude on the shopping center plaza.

11. All signage for the Property shall be in accordance with a Comprehensive Signage Plan as may be approved by the Planning Commission.

12. Parking shall be provided in accordance with Article 11 of the Zoning Ordinance and as determined by the Director of DEM provided, however, that nothing set forth herein shall preclude the Applicant from obtaining a reduction in parking in accordance with the applicable regulations set forth in Article 11. Applicant shall be permitted, however, to provide parking on a phased basis during construction.

13. Not more than one of the free standing buildings along Colts Neck Road may be occupied with a fast food restaurant with a drive-up window.

14. A covenant shall be recorded which provides that garages shall only be used for a purpose that will not interfere with the intended purpose of garages (e.g. parking of vehicles). This covenant shall be recorded among the land records of Fairfax County in a form approved by the County Attorney. Purchasers shall be advised of this use restriction prior to entering into a contract of sale.

15. No loading or trash removal activities for the retail stores along Glade Drive shall occur between 12:00 a.m. and 5:00 a.m. daily.

16. The Applicant will cause to be disclosed to all prospective residential purchasers that the adjacent retail and plaza areas are envisioned to accommodate outdoor activities with extended hours.

HUNTERS WOODS VILLAGE

CENTER, L.L.C.

By: Atlantic Realty Companies, Inc.,

Its: Manager

By: 

Title: PRESIDENT

Date: 2/25/97

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OWNER:

WRC PROPERTIES, INC.

By: _____

Name: _____

Title: _____

16. The Applicant will cause to be disclosed to all prospective residential purchasers that the adjacent retail and plaza areas are envisioned to accommodate outdoor activities with extended hours.

HUNTERS WOODS VILLAGE

CENTER, L.L.C.

By: Atlantic Realty Companies, Inc.,

Its: Manager

By: 

Title: PRESIDENT

Date: 2/25/97

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